

CCRB INVESTIGATIVE RECOMMENDATION

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|--|---|--|---|---|---------------------------------|
| Investigator: Shadman Khan | Team: Squad #12 | CCRB Case #: 202003055 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Saturday, 05/02/2020 10:00 PM, Saturday, 05/02/2020 10:30 PM | Location of Incident: § 87(2)(b); 79th Precinct stationhouse | 18 Mo. SOL 5/4/2022 | Precinct: 79 | | |
| Date/Time CV Reported Mon, 05/04/2020 8:26 AM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Mon, 05/04/2020 8:26 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
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| Witness(es) | Home Address |
|-------------|--------------|
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| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. LT Matthew Glynn | 00000 | 945767 | 079 PCT |
| 2. POM Thomas Bay | 13631 | 960217 | 079 PCT |
| 3. POM Michael Zweifler | 14406 | 961483 | 079 PCT |
| 4. POM Nicholas Sierra | 13817 | 956260 | 079 PCT |
| 5. LT Henry Daverin | 00000 | 945645 | 090 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|--------------------------|-----------|--------|----------|
| 1. POM Daniel Manetta | 11047 | 956069 | 079 PCT |
| 2. SGT Damany Ferril | 01434 | 947648 | 079 PCT |
| 3. POF Lynne Blas | 20258 | 958314 | 079 PCT |
| 4. POM Daniel Palminteri | 21071 | 963195 | 079 PCT |
| 5. POM Mohamed Elhanafi | 15082 | 955897 | 079 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------------|---|-----------------------------|
| A . LT Matthew Glynn | Abuse: In front of § 87(2)(b) in Brooklyn, Lieutenant Matthew Glynn stopped § 87(2)(b) | |
| B . LT Henry Daverin | Force: In front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b) | |
| C . LT Matthew Glynn | Force: In front of § 87(2)(b) in Brooklyn, Lieutenant Matthew Glynn used physical force against § 87(2)(b) | |
| D . POM Michael Zweifler | Force: In front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler used physical force against § 87(2)(b) | |
| E . LT Henry Daverin | Discourtesy: In front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin spoke discourteously to an individual. | |

| Officer(s) | Allegation | Investigator Recommendation |
|-------------------------|--|-----------------------------|
| F . POM Thomas Bay | Discourtesy: In front of § 87(2)(b) in Brooklyn, Police Officer Thomas Bay spoke discourteously to an individual. | |
| G . LT Matthew Glynn | Abuse: Inside the 79th Precinct stationhouse in Brooklyn, Lieutenant Matthew Glynn threatened to arrest § 87(2)(b) | |
| H . LT Matthew Glynn | Abuse: Inside the 79th Precinct stationhouse in Brooklyn, Lieutenant Matthew Glynn threatened to arrest § 87(2)(b) | |
| I . POM Nicholas Sierra | Abuse: Inside the 79th Precinct stationhouse in Brooklyn, Police Officer Nicholas Sierra strip-searched § 87(2)(b) | |

Case Summary

On May 4, 2020, § 87(2)(b) filed this complaint on the CCRB’s website and on its call-processing system on behalf of himself, § 87(2)(b) and § 87(2)(b).

On May 2, 2020, at approximately 10:00 p.m., § 87(2)(b) attended an outdoor gathering at § 87(2)(b) in Brooklyn with his wife, § 87(2)(b) and several of § 87(2)(b) (b) s family members, including § 87(2)(b). § 87(2)(b) went to a nearby bodega and when he returned, several officers were across the street near the gathering. § 87(2)(b) approached Lieutenant Matthew Glynn of the 79th Precinct, and Lt. Glynn ordered him to provide his identification (**Allegation A: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) complied. Lt. Glynn and other officers—including Lieutenant Henry Daverin and Police Officer Michael Zweifler, both from the 79th Precinct—shoved § 87(2)(b) against the side of a vehicle from behind (**Allegation B: Force**, § 87(2)(g)) (**Allegation C: Force**, § 87(2)(g)) (**Allegation D: Force**, § 87(2)(g)). § 87(2)(b) was placed in handcuffs. Lt. Daverin spoke to an unidentified civilian and stated, “I ain’t fucking with this guy” (**Allegation E: Discourtesy**, § 87(2)(g)). PO Thomas Bay from the 79th Precinct responded to the incident location and called an unidentified civilian a “Fucking asshole” (**Allegation F: Discourtesy**, § 87(2)(g)). § 87(2)(b) was taken to the 79th Precinct stationhouse.

§ 87(2)(b) and § 87(2)(b) went to the 79th Precinct stationhouse and questioned officers about § 87(2)(b) s arrest. Lt. Glynn threatened to arrest them if they continued to ask questions (**Allegation G: Abuse of Authority**, § 87(2)(g)) (**Allegation H: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was strip searched by PO Nicholas Sierra from the 79th Precinct (**Allegation I: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was released with a summons for § 87(2)(a) 160.50.

The investigation obtained 15 body-worn camera videos (Board Review 01 to Board Review 15; summarized in Board Review 16 to Board Review 29). The investigation received two stationhouse security videos (Board Review 30, Board Review 31; summarized in Board Review 32). The investigation received one video file from § 87(2)(b) (Board Review 33; summarized in Board Review 34).

Findings and Recommendations

Allegation (A) Abuse of Authority: In front of § 87(2)(b) in Brooklyn, Lieutenant Matthew Glynn stopped § 87(2)(b)

It is undisputed that on May 2, 2020, at approximately 10:00p.m., in front of § 87(2)(b) in Brooklyn, Lt. Glynn, Lt. Daverin, and PO Zweifler approached § 87(2)(b) s vehicle. It is also undisputed that § 87(2)(b) approached Lt. Glynn, and that officers prevented § 87(2)(b) from leaving when he attempted to walk away.

In § 87(2)(b) s statement to the CCRB (Board Review 35, Board Review 36), he stated that he was at the incident location with his wife, § 87(2)(b) speaking with friends and family while music played from his vehicle’s speakers. § 87(2)(b) walked to a nearby store to make a purchase. Upon reaching the store, § 87(2)(b) observed that a marked police vehicle had stopped at the area where § 87(2)(b) and his family were. § 87(2)(b) wished to avoid any possible altercation with the officers and wanted to drive away, so he turned around and walked back toward § 87(2)(b) and his vehicle. § 87(2)(b) walked diagonally across the street to approach § 87(2)(b) and his vehicle. When § 87(2)(b) reached the vehicle, he approached Lt. Glynn and asked him what was happening. When Lt. Glynn turned to face § 87(2)(b), § 87(2)(b) saw that Lt. Glynn did not have a mask on, so he and asked Lt. Glynn to respect social distancing guidelines and explain the situation

from at least six feet away. Lt. Glynn asked § 87(2)(b) for his ID. PO Zweifler also approached § 87(2)(b) and asked for his ID. § 87(2)(b) stated that he had not done anything except ask what was wrong and ask Lt. Glynn to keep his distance.

In Lt. Glynn's BWC video (Board Review 03), at approximately 00m00s, § 87(2)(b) is seen approaching Lt. Glynn in the middle of a street. There is no audio at this point of the recording. § 87(2)(b) is then seen trying to walk away from Lt. Glynn by walking towards the sidewalk. As soon as § 87(2)(b) tries to walk toward the sidewalk, PO Zweifler steps toward § 87(2)(b) and prevents him from doing so. Lt. Glynn holds § 87(2)(b) by the left arm while § 87(2)(b) pulls out his wallet. § 87(2)(b) hands an unidentified card to PO Zweifler, who takes it and then turns away from § 87(2)(b). Two civilians are seen watching the interaction from a sidewalk. Due to lack of audio, it cannot be determined if § 87(2)(b) was informed why he was stopped.

In Lt. Glynn's statement to the CCRB (Board Review 42), he stated that he arrived at § 87(2)(b) with other officers from the 79th Precinct. Lt. Glynn did not recall why he initially arrived at the incident location. There were approximately 20 to 30 individuals on the street who were drinking alcohol and playing loud music. Lt. Glynn saw open bottles around the sidewalk of the location. Lt. Glynn approached the group of individuals in order to ask them to disperse the area. As Lt. Glynn approached the group, he heard a vehicle that was playing loud music and walked toward it because it was on the path toward the group of individuals. Once near the vehicle, Lt. Glynn instructed the people around the vehicle to disperse from the location. The people around the vehicle started to comply with the instruction. § 87(2)(b) then "aggressively" approached Lt. Glynn from across the street and instructed him to "Get the fuck away from my car. Don't touch my car." Lt. Glynn determined that § 87(2)(b) was aggressive because of his tone of voice, his demeanor, because of his use of profanity, and because he tried to walk past Lt. Glynn. Lt. Glynn instructed § 87(2)(b) to stop walking away and to provide his identification. At this point, § 87(2)(b) was not free to leave. He stated that he did this because he intended to issue § 87(2)(b) a summons § 87(2)(a) 160.50 for disrupting officers as they attempted to disperse a crowd and for causing a crowd to gather. He noted that he also simultaneously decided to give § 87(2)(b) a summons § 87(2)(a) 160.50. § 87(2)(b) did not comply and attempted to walk away and tried to get on the sidewalk. Lt. Glynn stood in front of § 87(2)(b) in order to stop him. At this time, the crowd stopped dispersing and began to gather around the officers and § 87(2)(b) and started to curse and shout towards the officers. Lt. Glynn placed his hand on § 87(2)(b)'s elbow in order to indicate that he was not free to leave.

The investigation received summons number § 87(2)(b) (Board Review 56) and summons number § 87(2)(b) (Board Review 57). The summonses were § 87(2)(a) 160.50. The summons § 87(2)(a) 160.50 did not list any subsection.

§ 87(2)(b) provided the investigation with a copy of the summons he received (Board Review 81). The summons notes that he was cited for § 87(2)(a) 160.50.

The investigation received memo books from Lt. Daverin and Lt. Zweifler (Board Review 73 and Board Review 78, respectively). The memo books did not state specify the subsection § 87(2)(a) 160.50 that § 87(2)(b) was cited for.

No pedestrian shall cross a roadway except at a crosswalk on any block in which traffic control signals are in operation at both intersections bordering the block. NYC Department of Transportation Traffic Rules 4.04: Pedestrians (Board Review 58).

A person is guilty of disorderly conduct, subsection 2, when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he makes unreasonable noise.

Penal Law 240.20: Disorderly Conduct (Board Review 59).

Where an officer entertains a reasonable suspicion that a particular person has committed, is committing, or is about to commit a felony or misdemeanor, New York Criminal Procedure Law authorizes a forcible stop and detention of that person. An officer may arrest and take into custody a person when he has probable cause to believe that person has committed a crime or offense in his presence. People v. Debour 40 N.Y.2d 210 (Board Review 79).

A Terry Stop encounter is any encounter between a civilian and a uniformed member of the service in which a reasonable person would not feel free to disregard the officer and walk away. A stop may be conducted only when a police officer has an individualized reasonable suspicion that the person stopped has committed, is committing, or is about to commit a felony or Penal Law misdemeanor. The officer may detain the person while an expeditious investigation is conducted to determine if there is probable cause to arrest the person. Patrol Guide Procedure 212-11: Investigative Encounters (Board Review 60).

§ 87(2)(b) affirmed in his statement that he had played amplified music to a gathering of people at the time the officers approached his vehicle. § 87(2)(b) further affirmed that he jaywalked by walking diagonally through the crosswalk. § 87(2)(b), § 87(2)(g) § 87(2)(b)

§ 87(2)(b), § 87(2)(g) § 87(2)(b)

Allegation (B) Force: In front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)

Allegation (C) Force: In front of § 87(2)(b) in Brooklyn, Lieutenant Matthew Glynn used physical force against § 87(2)(b)

Allegation (D) Force: In front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler used physical force against § 87(2)(b)

According to § 87(2)(b) after the officers obtained his identification, PO Zweifler instructed Lt. Glynn to arrest § 87(2)(b). Both Lt. Glynn and PO Zweifler forcefully pushed § 87(2)(b) against the back passenger side of his vehicle. § 87(2)(b) stated that he did not resist the officers' use of force and his front side hit against the vehicle. Lt. Glynn then placed handcuffs on § 87(2)(b) and informed him he was under arrest.

In Lt. Glynn's BWC video (Board Review 03), at 00m05s into the recording, Lt. Glynn holds § 87(2)(b) by the left arm. At 00m12s into the recording, § 87(2)(b) lightly shrugs Lt. Glynn's hand away from his arm. Lt. Glynn is seen grabbing § 87(2)(b)'s left arm as Lt. Daverin is seen pushing § 87(2)(b)'s right side as he grabs § 87(2)(b) by the back and right arm and places him against the vehicle. Lt. Glynn immediately pulls § 87(2)(b)'s arm behind his back and holds him there as he starts to place § 87(2)(b) in handcuffs. § 87(2)(b) does not pull his arms away from the officers during this time.

In PO Zweifler's BWC video (Board Review 06), at 00m35s, § 87(2)(b) is seen shaking his left arm in an attempt to release Lt. Glynn's grip. Immediately afterwards, Lt. Daverin grabs § 87(2)(b) by the lower back and turns him around while pushing him against a vehicle. Lt. Glynn grabs § 87(2)(b)'s left arm and holds it behind § 87(2)(b)'s back. PO Zweifler moves forward and grabs the left arm as Lt. Glynn places handcuffs on § 87(2)(b).

In Lt. Daverin's BWC video (Board Review 13), at 00m15s, Lt. Daverin pushes § 87(2)(b) from behind and holds him against the side of a vehicle. Lt. Daverin, Lt. Glynn, and PO Zweifler are all seen holding § 87(2)(b) by the arms as they work together to place handcuffs on § 87(2)(b). § 87(2)(b) does not pull away or do appear to do anything to prevent officers from placing him in handcuffs.

According to Lt. Glynn, after § 87(2)(b) provided his identification card to an officer, he pulled his arm back away from Lt. Glynn in a quick aggressive manner. Lt. Glynn decided to place § 87(2)(b) in handcuffs for his overall aggressive manner and pulling his arm away aggressively. Lt. Glynn, PO Zweifler, and Lt. Daverin grabbed § 87(2)(b) by his arms and turned him around in order to place him in handcuffs. § 87(2)(b) was placed against a vehicle that was in front of him to place the handcuffs on him. § 87(2)(b) was placed against the vehicle to prevent any aggressive actions. § 87(2)(b) was considered under arrest at this point. § 87(2)(b) did not resist during this process. No officers pushed § 87(2)(b) against the vehicle.

In PO Zweifler's statement to the CCRB (Board Review 44), he had responded to the location for a call requesting additional units. When PO Zweifler arrived, he saw 15 to 25 individuals at the location. Multiple people were yelling, screaming, and cursing. PO Zweifler believed people consumed alcohol as well due to the bottles and cups that were visible. PO Zweifler stood on the sidewalk when Lt. Glynn instructed officers to place § 87(2)(b) under arrest. PO Zweifler first noticed § 87(2)(b) when he went to assist in placing him in handcuffs. PO Zweifler and other officers went to § 87(2)(b) and placed him in handcuffs. PO Zweifler was shown his BWC video, where he stated that he did not know why Lt. Daverin grabbed § 87(2)(b) and that he was only instructed to move forward and place § 87(2)(b) in handcuffs.

In Lt. Daverin's statement to the CCRB (Board Review 48), he stated that he responded to the incident location based on a call regarding a large crowd of civilians. When Lt. Daverin arrived, he saw approximately 50 civilians. The civilians were consuming alcohol and playing excessively loud music. Lt. Daverin observed a vehicle that was parked and unattended near the civilians, so Lt. Daverin walked towards that vehicle. When Lt. Daverin reached the vehicle, § 87(2)(b) jay-walked across the street outside of the crosswalk and approached Lt. Daverin and the other officers. § 87(2)(b) refused to provide his identity to the officers. § 87(2)(b) was arrested § 87(2)(a) 160.50 § 87(2)(b). During the arrest process, the male refused to place his hands behind his back. Lt. Daverin pushed the male against the vehicle in order to place handcuffs on him. Lt. Daverin explained that this is done so it is easier to get the arrestee's hands behind their back.

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider multiple factors, including the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, whether the subject is actively resisting custody, and presence of hostile crowd or agitators. Patrol

Guide Procedure 221-01 (Board Review 62).

§ 87(2)(b), § 87(2)(g)

According to the Patrol Guide, officers may use reasonable force to place a person in custody or prevent escape from custody. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (E) Discourtesy: In front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin spoke discourteously to an individual.

Allegation (F) Discourtesy: In front of § 87(2)(b) in Brooklyn, Police Officer Thomas Bay spoke discourteously to an individual.

In Lt. Daverin's BWC video, at approximately 02m10s, Lt. Daverin approaches a male civilian and makes the statement, "Nah nah, he's alright. I ain't fucking with this guy." The male looks at Lt. Daverin and states, "We good," as Lt. Daverin is heard laughing.

In PO Bay's BWC video (Board Review 01), PO Bay faces a civilian in the doorway of § 87(2)(b) and states, "Yea, you're real tough bro, you're real tough talking behind a door like that, you fucking asshole. Yea talk behind a door like that. Yea, yea, real tough, fucking asshole."

According to Lt. Daverin, he did not independently recall making the statement, "I ain't fucking with this guy," but stated that it was possible he made the statement. Lt. Daverin was shown his BWC video, played from 02m10s, where Lt. Daverin states, "Nah nah, he's alright. I ain't fucking with this guy." Lt. Daverin stated he did not know who he was referencing to and did not know why he made the statement. Lt. Daverin clarified that the statement was made in conversation with a bystander that was around.

According to PO Bay, he spoke to another individual who was on scene during this incident. PO Bay did not know why the other individual was at the location in the first place. PO Bay described the individual's behavior as loud and obnoxious. PO Bay further clarified that this meant the individual made statements such as, "Fuck you," and, "Fucking pig," toward PO Bay at the time. The individual also slammed the door to § 87(2)(b) at the time. The male individual kept a distance from all officers as he made the statements and slammed the door. PO Bay responded to the individual by calling him a "Fucking asshole." PO Bay only called him that because he was being obnoxious by screaming and cursing toward PO Bay. PO Bay did not make the statement for any other reason.

Officers must respect the dignity of each individual and render their services with courtesy and civility. Patrol Guide Procedure 200-02: Mission, Vision, and Values of the NYPD (Board Review 63).

The court held that while an officer's profane remarks made during a stressful situation or while trying to get a chaotic situation under control might not always constitute misconduct, it noted that the definition of a stressful encounter must be narrowly defined. The judge noted that a civilian's protests about another person's arrest did not create a stressful encounter. In the case under examination,

because the existence of a protesting civilian was deemed insufficiently stressful, the responding officer was found guilty of misconduct due to his use of profanity. DAO-DCT 2017-17005 (Board Review 64).

While Lt. Daverin did not independently recall making the statement, “I ain’t fucking with this guy,” he acknowledged that he made the statement in his BWC video and did not recall why the statement was made. PO Bay agreed that he used the words, “Fucking asshole,” toward an individual during this incident. PO Bay stated that he made the statement in response to the statements made by the individual, who screamed and cursed toward PO Bay. PO Bay admitted that he did not make the statement for any other reason. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

Allegation (G) Abuse of Authority: Inside the 79th Precinct stationhouse in Brooklyn, Lieutenant Matthew Glynn threatened to arrest § 87(2)(b)

Allegation (H) Abuse of Authority: Inside the 79th Precinct stationhouse in Brooklyn, Lieutenant Matthew Glynn threatened to arrest § 87(2)(b)

In § 87(2)(b)'s statement to the CCRB (Board Review 38), she stated that she went to the 79th Precinct stationhouse with § 87(2)(b) approximately 10 minutes after § 87(2)(b) had been arrested. § 87(2)(b) spoke to Lt. Glynn and asked him why § 87(2)(b) had been arrested. Lt. Glynn informed § 87(2)(b) that officers were in the process of working through the situation and did not have an answer for her. Lt. Glynn instructed both § 87(2)(b) and § 87(2)(b) to walk away from the front desk. § 87(2)(b) asked why she could not stand there and stated she wanted to know why § 87(2)(b) was arrested. Lt. Glynn asked § 87(2)(b) “You want to go back there with him?” § 87(2)(b) interpreted that comment as a threat that she would be arrested if she did not walk away from the front desk. § 87(2)(b) identified the officer as, “Sgt. Glynn” who was a white male who wore jeans, a vest with a long-sleeve shirt, approximately 5’10” tall, average build, has dark brown/red hair, and is in his 30s.

In § 87(2)(b)'s statement to the CCRB (Board Review 40), she stated that she went to the 79th Precinct stationhouse with § 87(2)(b) and another individual to find out why § 87(2)(b) was arrested. When they entered, Lt. Glynn was behind the front desk. § 87(2)(b) spoke to Lt. Glynn and asked him why § 87(2)(b) was arrested. Lt. Glynn stated that he did not know and that if § 87(2)(b) did not leave the precinct, then she would go back there with him. § 87(2)(b) asked Lt. Glynn to repeat what he had said, who stated, “She is either going to go back there with him or she is going to do what I say.” § 87(2)(b) described Lt. Glynn as simply a white male with a “healthy build.”

The investigation received Lt. Glynn’s NYPD Photograph, which indicated that he is 5’11” tall white male with an average build and has black hair (Board Review 65). The investigation received Lt. Glynn’s pedigree sheet (Board Review 67), which indicated that Lt. Glynn was an approximately 5’11” tall white male with brown hair and dressed in plainclothes on the date of the incident.

A CTS+ search done indicated that the only officer with the name “Glynn” in the 79th Precinct was Lt. Glynn (Board Review 66).

§ 87(2)(g)

§ 87(2)(g)

The investigation received stationhouse footage of the front desk from the 79th Precinct (Board Review 30). The file containing the footage contained a stamp that read 2020-05-02 22:14:59. At approximately 00m15s in the recording, § 87(2)(b) sits down in the stationhouse lobby and has a conversation with someone positioned behind the front desk and off-screen. At 01m22s, § 87(2)(b) enters the stationhouse. At 02m10s, § 87(2)(b), § 87(2)(b) and § 87(2)(b) speak to someone behind the front desk. After a few moments, § 87(2)(b) exits the lobby and stands outside of the stationhouse. The video does not have any audio and does not capture who § 87(2)(b) spoke to. Lt. Glynn is not depicted on screen in the video at any point.

According to Lt. Glynn, he did not return the stationhouse immediately after the incident. Lt. Glynn resumed patrol afterwards and returned to the 79th Precinct stationhouse later in the day. Lt. Glynn did not recall speaking to any individuals after returning to the stationhouse. Lt. Glynn did not recall if he ever informed any female individuals that they would be arrested if they continued to speak.

Lt. Glynn did not have any memo book notations about what he was doing at the time of this interaction (Board Review 69).

The stationhouse footage confirms that § 87(2)(b) and § 87(2)(b) were at the stationhouse after § 87(2)(b) had been arrested and spoke with an officer, § 87(2)(g)

Additionally, the stationhouse footage received does not contain any audio and does not capture the officer speaking to § 87(2)(b) and § 87(2)(b) § 87(2)(b), § 87(2)(g)

Allegation (I) Abuse of Authority: Inside the 79th Precinct stationhouse in Brooklyn, Police Officer Nicholas Sierra strip-searched § 87(2)(b)

§ 87(2)(b) was taken to a precinct stationhouse, where he was searched at the front desk and placed in a small room near the holding cell area. PO Sierra instructed § 87(2)(b) to remove his shoes, socks, belt, and rings. PO Sierra also instructed § 87(2)(b) to open the front of his pants. § 87(2)(b) unzipped the front of his pants such that his underwear was exposed. § 87(2)(b) believed that PO Sierra intended to search § 87(2)(b). PO Sierra ran his hands along the inside of § 87(2)(b)'s waistband and instructed § 87(2)(b) to zip up his pants and put his shoes on. PO Sierra did not touch § 87(2)(b)'s body when he ran his hand along the inside of the waistband.

In PO Sierra's BWC video (Board Review 05), at approximately 10m20s, PO Sierra escorts § 87(2)(b) to a holding cell area. While in there, PO Sierra instructs § 87(2)(b) to take off his shoes and go in the bathroom. § 87(2)(b) states that officers are not supposed to strip search him, to which PO Sierra responds that they are not going to. § 87(2)(b) removes his shoes while inside of the bathroom. At 13m20s, § 87(2)(b) removes his red sweater and appears to start to unbuckle his pants. PO Sierra states, "What are you doing? You're not getting strip-searched." § 87(2)(b) does not open his pants at any point.

PO Sierra's BWC corroborated § 87(2)(b)'s statement regarding the removal of his shoes, belt, and rings. The moment § 87(2)(b) alleged he was strip searched is captured on the BWC. The BWC video does not capture PO Sierra instructing § 87(2)(b) to open his pants. PO Sierra is not captured searching along § 87(2)(b)'s waistband. § 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named as a victim in three other allegations (Board Review 50).
 - § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 51).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 52).

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this case.
- As of February 22, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 80).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 12

| | | | |
|---------------|---------------------|----------------------------------|----------------------|
| Investigator: | <u>Shadman Khan</u> | <u>Investigator Shadman Khan</u> | <u>March 1, 2022</u> |
| | Signature | Print Title & Name | Date |

| | | | |
|---------------|-------------------------|----------------------------|----------------------|
| Squad Leader: | <u>Carlmais Johnson</u> | <u>IM Carlmais Johnson</u> | <u>March 2, 2022</u> |
| | Signature | Print Title & Name | Date |

| | | | |
|-----------|-----------|--------------------|-------|
| Reviewer: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |